HIGH COURT OF UTTARANCHAL AT NAINITAL

ORIGINAL JURISDICTION

Dated Nainital the 22st June, 2006

Bail Application No. 450 of 2006

Order on the bail application of accused.

CRIMINAL SIDE

Imtiyaz alias Raj Singh alias Rahul Verma S/o Shri Sirajuddin, R/o Sanjay colony Ward No.2, P.S. Mujesar, district Faridabad, Harayana.

…..Applicant

Versus

State of Uttaranchal .... Opposite Party

In Case Crime No.1 of 2005
U/s 302/394/120B/307 IPC
Registered on the basis of FIR dated 15.1.2005
Police Station Patti Kawerali, district Almora.
District – Almora.

WITH

Bail Application No. 445 of 2006

Order on the bail application of accused.

CRIMINAL SIDE

Imtiyaz alias Raj Singh alias Rahul Verma S/o Shri Sirajuddin, R/o Sanjay colony Ward No.2, P.S. Mujesar, district Faridabad, Harayana.

…..Applicant

Versus

State of Uttaranchal .... Opposite Party

In Case Crime No.171 of 2005
U/s 25 Arms Act.
Registered on the basis of FIR dated 21.3.2005
Police Station Patti Kawerali, district Almora.
District – Almora.

WITH

Bail Application No. 446 of 2006

Order on the bail application of accused.

CRIMINAL SIDE

Imtiyaz alias Raj Singh alias Rahul Verma S/o Shri Sirajuddin, R/o Sanjay colony Ward No.2, P.S. Mujesar, district Faridabad, Harayana.

…..Applicant.

Versus

State of Uttaranchal ….. Opposite Party

In Case Crime No.2 of 2005
U/s 224, 225, 225B IPC.
Registered on the basis of FIR dated 15.1.2005
Police Station Patti Kawerali, district Almora.
District – Almora.

Hon'ble J.C.S. Rawat, J.

Heard Learned counsel for the applicant and learned AGA for the State and perused the record.

It is alleged that on 15.1.2005 three constables who were escorting to the undertrial prisoners from Ranikhet to Amora in a Tata Sumo Jeep. The miscreants fired upon the constables and ran away from the spot after killing the constable and the undertrial prisoner were set at liberty. The FIR was recorded against unknown person and applicant was arrested on 28.05.2005 after a lapse of about 5 months.

It was contended that charge sheet has been submitted and the taxi driver Devendra Singh is the eye witness of the incident and no identification parade has been conducted to connect the accused/applicant with the crime. It is true that no identification parade had been conducted. According to the defence there is statement of Kishore Singh Dhami who has stated that he received a telephonic call from Rajendra Singh informing him that he alongwith other accused intends to commit the said crime on 15.1.2005. The second evidence which has been alleged against the present applicant, constable Narayan Ram was on duty at the taxi stand on a traffic duty on 15.1.2005 in the morning hours. It was alleged that he had seen the taxi with the police escort party at Almora bus stand while they were going to Ranikhet. However, the incident took place when the escort party alongwith the undertrials was coming from Ranikhet to Almora.

It was further contended that the confessional statement of the accused can not be taken into account. It was further contended that there was no complete chain of evidence which leads to take inference that the accused committed the offence.

Considering the facts and circumstances of the case totality, it is a fit case for bail at this stage.

Let the accused-applicant be released on bail on executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of Magistrate concerned.

Dated 22.06.2006. **(J.C.S. Rawat, J.)**

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